

1 is based on the Memorandum of Points and Authorities below, the attached proposed brief of
 2 *amicus curiae*, all previous filings in this case, and such other evidence and argument as the Court
 3 shall permit.

4 For the reasons set forth below, CIPA seeks leave to file a brief of *amicus curiae* to
 5 represent its interests, and those of its members, in this action and provide the Court with its
 6 perspective to assist in the Court's resolution of this case.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 CIPA respectfully moves for leave to file the accompanying *amicus curiae* brief in this
 9 action. A copy of the brief accompanies this motion. Counsel for CIPA has conferred with
 10 counsel for the other parties regarding this motion. Defendants take no position on this motion.
 11 Plaintiffs also take no position on this motion at this time, and will determine their position after
 12 reviewing the pleadings filed by CIPA. In support of this motion, CIPA states as follows:

13 **I. THE LEGAL STANDARD**

14 “The district court has broad discretion to appoint *amici curiae*.” *Hoptowit v. Ray*, 682
 15 F.2d 1237, 1260 (9th Cir. 1982). There are no “strict prerequisites” for participation as *amicus*
 16 *curiae*, and courts have generally exercised “great liberality” in allowing *amici* to file briefs.
 17 *In re Roxford Foods Litigation*, 790 F. Supp. 987, 997 (E.D. Cal. 1991). “District courts
 18 frequently welcome amicus briefs from non-parties concerning legal issues that have potential
 19 ramifications beyond the parties directly involved or if the amicus has unique information or
 20 perspective that can help the court” *NGV Gaming Ltd. v. Upstream Point Molate, LLC*, 355
 21 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (internal citations omitted).

22 **II. CIPA HAS A UNIQUE PERSPECTIVE THAT CAN HELP THE COURT 23 UNDERSTAND THE RAMIFICATIONS OF THIS CASE BEYOND THE 24 PARTIES INVOLVED**

25 CIPA is a non-profit, non-partisan trade association representing approximately 450
 26 independent crude oil and natural gas producers, royalty owners, and service and supply
 27 companies operating in California. CIPA members are involved in all aspects of oil and gas
 28 exploration, production, marketing, and transportation, including the drilling and operation of
 wells on lands managed by the U.S. Bureau of Land Management (“BLM”) throughout

1 California. CIPA educates the public and elected officials regarding a number of aspects of the
 2 oil and gas industry. For example, CIPA recently published a white paper on hydraulic fracturing
 3 in California.

4 CIPA members are subject to detailed federal, state, and local regulation of multiple
 5 aspects of their operations. CIPA members frequently purchase and develop oil and gas leases
 6 covering federal lands under management by the BLM.

7 First, this case concerns CIPA because Plaintiffs seek to require the BLM to make
 8 unreasonable assumptions regarding the level of oil development of the Monterey Shale that are
 9 based on the results of producing oil and natural gas from formations that are thousands of miles
 10 away. CIPA can explain to the Court why Plaintiffs' assumptions are flawed. Second, this case
 11 concerns CIPA because Plaintiffs make numerous unsupported claims regarding the well
 12 stimulation technology of hydraulic fracturing. CIPA can explain that: (1) most wells in
 13 California are not hydraulically fractured because of the nature of the geological structures; and
 14 (2) where fracturing does occur it is a highly regulated, safe practice that has been occurring for
 15 over 50 years. Third, this case concerns CIPA because Plaintiffs seek to require BLM to impose
 16 certain types of well completion and operational techniques at the leasing stage. CIPA can
 17 explain how those issues are already regulated in detail at the site-specific development stage, and
 18 that it would be wholly inappropriate for the BLM to identify specific operational requirements at
 19 the leasing stage for wells that may not be drilled for many years and whose particular
 20 characteristics cannot be identified at this time.

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1 **III. CONCLUSION**

2 For these reasons, the Court should grant CIPA leave to file the brief of *amicus curiae*
3 lodged with this motion.

4 Respectfully submitted this 14th day of September, 2012

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